IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

C.A.No.5315/2005 in F.A.No.1003 of 2006

(Kolhapur Mun.Corpn.V/s.Smt.Anjana Shripad Ainapure & Ors.)

Office Notes, Office Memo-randa of Coram, Apperances Courts orders or directions and Registrar's orders	Court's or Judges Orders

Mr.S.S.Patwardhan for the Applicant.
Mr.P.D.Dalvi for Respondent Nos.1 to 4.
Mr.G.N.Salunkhe for Respondent No.5.

CORAM: DR.S.RADHAKRISHNAN,J.
DATE : 30th June, 2006

P.C.:

1. Rule. Rule is made returnable forthwith. The learned Counsel for the Respondents waives service. Heard the learned Counsel for the parties. Perused the Civil Application. Also perused the Trial Court's judgment, particularly Paragraphs 34, 35 and 36 thereof. Prima-facie it appears that even the Executive Engineer, P.W.D., Kolhapur was negligent. Having regard to the aforesaid facts and circumstances, earlier order dated 9th December, 2005 whereby the Appellant was directed to deposit Rs.one lakh appears to be fair. Hence, Civil Application is made absolute in terms of prayer clause (A). Respondent Nos.1 to 4 being the original claimants are permitted to withdraw the said sum of Rs.1 lakh.

2. It is made clear that the aforesaid withdrawal will be subject to the final order in the Appeal.

(DR.S.RADHAKRISHNAN,J.)